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The role of diamonds in fuelling conflict

Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative led by the Governments of participant States, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

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Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process, and stressing the need to continue its activities in order to achieve this objective,

Calling for the consistent implementation of commitments made by Kimberley Process participant States,

Acknowledging that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Millennium Development Goals in many producing countries, particularly in developing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008, 64/109 of 11 December 2009 and 65/137 of 16 December 2010, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

[1] See A/57/489.

Welcoming also the decision of fifty Kimberley Process Participants, representing seventy-six countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

Noting the outcomes of the plenary meeting of the Kimberley Process hosted by the Democratic Republic of the Congo from 31 October to 3 November 2011,[2]

Welcoming the important contribution to fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds, and recommending that the Kimberley Process encourage civil society organizations to return to full and active engagement with the initiative,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[1] to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts to improve the normative framework of the Kimberley Process through the elaboration of new rules and procedural norms to regulate the activities of its working bodies, Participants and observers and the streamlining of the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[1] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

[2] See A/66/593.

3. *Welcomes* the admission in May 2011 of Swaziland to the Kimberley Process as a full Participant;

4. *Recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

5. *Notes* the efforts to further strengthen implementation of the minimum requirements of the Kimberley Process, to review the implementation of import confirmation requirements and to examine the application of Kimberley Process Certification Scheme requirements in cross-border Internet sales;

6. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,[3] and the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012;[4]

7. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 65/137, and congratulates the participating Governments, the regional economic integration organization, the diamond industry and civil society organizations involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

8. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2011 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

9. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation provided by Participants, and calls upon Participants to submit consistent and substantive annual reports in order to conform to this requirement;

10. *Expresses appreciation* to, Botswana, Lesotho and Ukraine for receiving review visits in 2011, and welcomes the commitment of those countries to continuously open their certification systems to reviews and improvements;

11. *Acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement, and in particular to ensure coordination of Kimberley Process actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement;

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[3] World Trade Organization, document WT/L/518. Available from http://docsonline.wto.org.

[4] World Trade Organization, document G/C/W/559/Rev.1. Available from http://docsonline.wto.org.

12. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, and encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and acknowledges the importance of increased involvement of civil society organizations in the Process;

13. *Calls upon* the Participants of the Kimberley Process to continue to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Process;

14. *Notes with appreciation* the willingness of the Kimberley Process to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Also notes with appreciation* the continued cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire, in accordance with the provisions of Security Council resolution 1980 (2011) of 28 April 2011 and in line with the administrative decision on sharing information with the United Nations,[5] and encourages the Kimberley Process Working Group on Monitoring and Working Group of Diamond Experts, with the support of the Friends of Côte d'Ivoire, to actively collaborate with the United Nations Group of Experts on Côte d'Ivoire, originally established by the Council in its resolution 1584 (2005) of 1 February 2005, and through liaison with Côte d'Ivoire, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trade in rough diamonds from Côte d'Ivoire;

16. *Takes note* of the communication by the Government of Côte d'Ivoire to the Kimberley Process plenary meeting on the situation prevailing since the reunification of the country as well as its efforts to develop measures to ensure traceability of diamond production and trade in accordance with the minimum requirements of the Kimberley Process Certification Scheme, and calls on the Kimberley Process to support the efforts of Côte d'Ivoire to prepare for implementation of the Scheme;

17. *Encourages* the Kimberley Process to support the efforts of Liberia to strengthen its internal controls and address continuing challenges to the implementation of the Kimberley Process Certification Scheme;

18. *Also encourages* the Kimberley Process to continue to ensure, in accordance with General Assembly resolution 65/137, follow-up to the progress achieved in the implementation of the Kimberley Process Certification Scheme in West Africa, and notes with appreciation the efforts of Guinea to strengthen its certification system under the Swakopmund administrative decision on Guinea (2009);

19. *Notes with appreciation* the administrative decision of the plenary, finding that the positive actions of Ghana to strengthen internal controls and prevent

[5] A/64/559, annex, attachment I.

infiltrations of illicit diamonds merited the termination of the special measures that had been in place under the Gaborone administrative decision, which calls for Ghana to take steps to respond to the indications of non-substantial conformity with the minimum requirements of the Kimberley Process Certification Scheme, and conveying to Ghana the appreciation of the plenary for its d :ision to continue to record pictures of shipments as a best practice;

20. *Takes note* of the decision of the plenary regarding the continued participation of the Bolivarian Republic of Venezuela in the Kimberley Process, acknowledges the positive step represented by the submissions presented by the Bolivarian Republic of Venezuela in response to the decision of the plenary, and invites the Bolivarian Republic of Venezuela to continue its efforts to fully reintegrate into the Kimberley Process Certification Scheme;

21. *Notes with appreciation* the progress achieved by the ad hoc committee for exploring the modalities of enhancing the efficiency of the Kimberley Process with a view to providing administrative support for its activities, and notes the decision by the 2011 plenary in Kinshasa that the committee should continue to pursue its work by approaching international institutions, including the World Bank, to set up an administrative support mechanism, and the decision by the Kinshasa plenary to create an ad hoc committee on the Kimberley Process Certification Scheme review to assess the strengths and weaknesses of the Scheme as currently designed, identify priority areas for focus, and develop solutions to address the weaknesses of the Scheme that can be proposed to future plenary sessions on an ongoing basis;

22. *Takes note* of the report by the Central African Republic to the Kimberley Process plenary regarding the resumption of violence in the diamond-producing region of Bria in September 2011, and welcomes the rapid actions taken by the Kimberley Process Chair, the Working Group on Monitoring and the Government of the Central African Republic in that respect;

23. *Acknowledges with appreciation* the continued cooperation of the Kimberley Process with the World Customs Organization and the opening of that organization's network of Regional Offices for Capacity-Building to assist in the training of customs agents in the implementation of the Kimberley Process Certification Scheme minimum requirements;

24. *Acknowledges* the adoption by the plenary of the Kimberley Process of four administrative decisions in addition to those mentioned in paragraphs 19 and 21 above, namely, the administrative decision on Marange (Zimbabwe) and the decisions relating to clarifications and recommendations on the issue of applying the Kimberley Process written procedure, the import confirmation of rough diamonds shipments, and the terms of reference of the Participation Committee;

25. *Takes note* of the recommendations to applicant countries, prepared by the Participation Committee, on Kimberley Process Certification Scheme implementing legislation;

26. *Welcomes* the continuing work of the team technical experts on Internet trading in order to monitor the transactions taking place in compliance with the minimum requirements of the Kimberley Process;

27. *Notes with appreciation* the continued work of the Kimberley Process, within its Working Group of Diamond Experts, on the implementation of footprinting work on diamond production from the Democratic Republic of the Congo, Liberia, the diamond-producing region of Bria in the Central African Republic, the Marange region in Zimbabwe, and Sierra Leone;

28. *Also notes with appreciation* that the Kimberley Process rough diamonds statistics website managed by the United States of America has been improved significantly to make it a more efficient and effective system;

29. *Encourages* the Kimberley Process, through its Working Group on Artisanal and Alluvial Production and with the assistance of the Diamond Development Initiative, to ensure implementation of the recommendations set forth in the Moscow declaration (2005);

30. *Reaffirms* the importance of the tripartite nature of the Kimberley Process, regrets the absence of civil society from the Kinshasa plenary, and welcomes the decision by the plenary to reaffirm its commitment to continue its constructive engagement with civil society in recognition of the role that civil society plays in the Kimberley Process;

31. *Acknowledges with great appreciation* the important contribution that the Democratic Republic of the Congo, as Chair of the Kimberley Process in 2011, has made to curb the trade in conflict diamonds, and welcomes the selection of the United States of America as Chair and South Africa as Vice-Chair for 2012;

32. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-seventh session a report on the implementation of the Process;

33. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "The role of diamonds in fuelling conflict".